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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/786,278      | 02/24/2004  | Roy K. Chrisop       | P1059.13005         | 2417             |

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| EXAMINER |
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|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2609

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/01/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/786,278

Applicant(s)

CHRISOP ET AL.

Examiner

Marcus T. Riley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/24/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>attached 2/24/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

**Claims 21-29** are rejected U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 21-29 defines a medium readable by machine embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and

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functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – Guidelines Annex IV). That is, the scope of the presently claimed medium can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on “computer-readable medium” or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-29** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lopez et al. US 7,142,318 B2 (hereinafter, Lopez ‘318).

**Regarding claim 1**, Lopez ‘318 discloses printing a proof sheet by the scanner (“*The marked proof sheet is scanned so as to determine marked selection areas, and the image files associated with the marked selection areas are printed.*” column 2, lines 37-39); proof sheet containing a selected sub-set of the information contained within the scan job (“*The printing*

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*system preferably includes subsystems which obtain certain image files associated with a specified web page, print a proof sheet associated with those images, allow the user to select which of the images are to be printed, and print these user-selected image files...*" column 3, lines 44-49); inspecting said proof sheet ("*...there is illustrated a printing system constructed in accordance with the present invention which enables digital images associated with Internet web pages to be previewed, selected, and printed without the need for a computer attached to the printer...*" column 3, lines 40-44) electing, based on the result of inspecting, whether to accept the scan job or not ("*After the user chooses selected ones of the qualified image files 2 for printing by marking the user-designation areas 54 associated with the indicia 52 of the selected image files 2, the user places the marked proof sheet 22 on a scan platen 122 where it is optically scanned by a scanner subsystem 86. The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a corresponding image file URL 73 via the identity marker 60. The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205. When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.*" column 5, lines 8-23); and where the result of electing is to accept the scan job, sending the scan job ("*When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing*

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*subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.” column 5, lines 24-27);*

**Regarding claim 2,** Lopez ‘318 discloses rendering the entire scan job after sending (“*The image printing subsystem 84 renders each image file 2 according to the printing instructions, and sends the print content to the printer subsystem 80 for generating the image prints 26.*” column 5, lines 31-35);

**Regarding claim 3,** Lopez ‘318 discloses the proof sheet includes one or more thumbnail images representing one or more respective pages of the scan job (“*...FIG. 3A is a detailed plan view of an exemplary combination proof sheet and order form 22 that may be utilized with the system 10 of FIG. 1A to select one or more images from an array of thumbnail images such as 52 (FIG. 3C) for final printing.*” column 5, lines 63-67);

**Regarding claim 4,** Lopez ‘318 discloses the proof sheet includes descriptive information describing the scan job (“*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a corresponding image file URL 73 via the identity marker 60.*”column 5, lines 13-23);

**Regarding claim 5,** Lopez ‘318 discloses sending includes forwarding the scan job to a network (“*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file*

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*URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.” column 5, lines 13-23);*

**Regarding claim 6,** Lopez ‘318 discloses sending includes forwarding the scan job to a network (*“The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.” column 5, lines 13-23);*

**Regarding claim 7,** Lopez ‘318 discloses the network includes at least one of the following: a remote computer, a remote computer peripheral, and a hand-held device (*“Some of the digital image files 4 may be digital photographs taken by a digital camera 12. Digital image files 4 may be transferred from the camera 12 to the computing apparatus 28 over a data link 20...” column 4, lines 12-15);*

**Regarding claim 8,** Lopez ‘318 discloses where the step of electing is not to accept the scan job, the method further comprising the step of storing the scan job in a memory (*“...subsystems 70,74,78,80,82,82',84,86 are preferably implemented in firmware or software stored on a program storage medium such as a ROM, CD-ROM, or the like...” column 5, lines 53-56”*); receiving user instruction (*“When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.” column 5, lines 24-27);* and modifying the stored scan job according to user instruction prior to the step of sending (*“The user can fill in one or more bubbles 56 in the user designation area B adjacent a particular*

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*thumbnail image 1 to "order" the desired number and size of final prints of that digitally stored image."* column 6, lines 38-41);

**Regarding claim 9,** Lopez '318 discloses the proof sheet includes one or more thumbnail images representing one or more respective pages of the scan job ("*...FIG. 3A is a detailed plan view of an exemplary combination proof sheet and order form 22 that may be utilized with the system 10 of FIG. 1A to select one or more images from an array of thumbnail images such as 52 (FIG. 3C) for final printing.*" column 5, lines 63-67);

**Regarding claim 10,** Lopez '318 discloses sending includes forwarding the scan job to a network ("*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.*" column 5, lines 13-23);

**Regarding claim 11,** Lopez '318 discloses rendering the entire scan job after forwarding ("*The image printing subsystem 84 renders each image file 2 according to the printing instructions, and sends the print content to the printer subsystem 80 for generating the image prints 26.*" column 5, lines 31-35);

**Regarding claim 12,** Lopez '318 discloses a scanner adapted for printing ("*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a*



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*corresponding image file URL 73 via the identity marker 60. The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205. When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.” column 5, lines 12-27); and a processing unit adapted to (a) cause the scanner, where a plurality of pages have been scanned using the scanner, to print a proof sheet containing a selected sub-set of the information contained within the scan job (“The image proofing subsystem 78 then forms the content of a user-markable proof sheet 22 for the qualified image files 3... the proof sheet 22 includes an indicia 52 (such as a thumbnail image and/or a filename) for each qualified image file 3, and a user-designation area 54 associated with each indicia 52... the image proofing subsystem 78 sends the proof sheet content to a printer subsystem 80 which produces the proof sheet 22.” beginning at columns 4, line 63 and ending at column 5, line 7); (b) provide for user election whether to accept the scan job or not (“After the user chooses selected ones of the qualified image files 2 for printing by marking the user-designation areas 54 associated with the indicia 52 of the selected image files 2, the user places the marked proof sheet 22 on a scan platen 122 where it is optically scanned by a scanner subsystem 86. The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a corresponding image file URL 73 via the identity marker 60. The*

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*proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205. When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.*" column 5, lines 8-23); and (c) where the user elects to accept the scan job, thereafter send the scan job (*"When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file."* column 5, lines 24-27);

**Regarding claim 13,** Lopez '318 discloses the proof sheet includes one or more thumbnail images representing one or more respective pages of the scan job (*"...FIG. 3A is a detailed plan view of an exemplary combination proof sheet and order form 22 that may be utilized with the system 10 of FIG. 1A to select one or more images from an array of thumbnail images such as 52 (FIG. 3C) for final printing."* column 5, lines 63-67);

**Regarding claim 14,** Lopez '318 discloses the proof sheet includes descriptive information describing the scan job (*"The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a corresponding image file URL 73 via the identity marker 60."* column 5, lines 13-23);

**Regarding claim 15,** Lopez '318 discloses the processing unit is adapted to send the scan job at least by forwarding the scan job to a network (*"The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205."* column 5, lines 13-23);

**Regarding claim 16,** Lopez '318 discloses the processing unit is adapted to send the scan job at least by forwarding the scan job to a network (*"The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205."* column 5, lines 13-23);

**Regarding claim 17,** Lopez '318 discloses the network includes at least one of the following: a remote computer, a remote computer peripheral, and a hand-held device (*"Some of the digital image files 4 may be digital photographs taken by a digital camera 12. Digital image files 4 may be transferred from the camera 12 to the computing apparatus 28 over a data link 20..."* column 4, lines 12-15);

**Regarding claim 18,** Lopez '318 discloses a memory where the user elects not to accept the scan job and a processing unit adapted to store the scan job in the memory (*"...subsystems 70,74,78,80,82,82',84,86 are preferably implemented in firmware or software stored on a program storage medium such as a ROM, CD-ROM, or the like..."* column 5, lines 53-56"); receiving user instruction (*"When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by*

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*the user in the user-designation area 54 for each image file.” column 5, lines 24-27); and modifying the stored scan job according to user instruction prior to the step of sending (“The user can fill in one or more bubbles 56 in the user designation area B adjacent a particular thumbnail image I to “order” the desired number and size of final prints of that digitally stored image.” column 6, lines 38-41);*

**Regarding claim 19,** Lopez ‘318 discloses a proof sheet including one or more thumbnail images representing one or more respective pages of the scan job (“...FIG. 3A is a detailed plan view of an exemplary combination proof sheet and order form 22 that may be utilized with the system 10 of FIG. 1A to select one or more images from an array of thumbnail images such as 52 (FIG. 3C) for final printing.” column 5, lines 63-67);

**Regarding claim 20,** Lopez ‘318 discloses a processing unit is adapted to send the scan job at least by forwarding the scan job to a network (“The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.” column 5, lines 13-23);

**Regarding claim 21,** Lopez ‘318 discloses printing a proof sheet by the scanner (“The marked proof sheet is scanned so as to determine marked selection areas, and the image files associated with the marked selection areas are printed.” column 2, lines 37-39); proof sheet containing a selected sub-set of the information contained within the scan job (“The image proofing subsystem 78 then forms the content of a user-markable proof sheet 22 for the qualified image files 3... the proof sheet 22 includes an indicia 52 (such as a thumbnail image

and/or a filename) for each qualified image file 3, and a user-designation area 54 associated with each indicia 52... the image proofing subsystem 78 sends the proof sheet content to a printer subsystem 80 which produces the proof sheet 22.” beginning at columns 4, line 63 and ending at column 5, line7); where a user inspects said proof sheet (“...there is illustrated a printing system constructed in accordance with the present invention which enables digital images associated with Internet web pages to be previewed, selected, and printed without the need for a computer attached to the printer...” column 3, lines 40-44), receiving user input indicating whether the user elects to accept the scan job or not (“After the user chooses selected ones of the qualified image files 2 for printing by marking the user-designation areas 54 associated with the indicia 52 of the selected image files 2, the user places the marked proof sheet 22 on a scan platen 122 where it is optically scanned by a scanner subsystem 86. The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a corresponding image file URL 73 via the identity marker 60. The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205. When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.” column 5, lines 8-23); the user elects to accept the scan job a then send the scan job (“When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an

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*image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.” column 5, lines 24-27);*

**Regarding claim 22,** Lopez ‘318 discloses a proof sheet including one or more thumbnail images representing one or more respective pages of the scan job (“...*FIG. 3A is a detailed plan view of an exemplary combination proof sheet and order form 22 that may be utilized with the system 10 of FIG. 1A to select one or more images from an array of thumbnail images such as 52 (FIG. 3C) for final printing.*” column 5, lines 63-67);

**Regarding claim 23,** Lopez ‘318 discloses a proof sheet including descriptive information describing the scan job (“*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82. The proof sheet analyzer subsystem 82 detects and interprets the markings made by the user in the user designation areas 54 (also known as image selection areas 54) to identify the user-selected image files 2, and associates each of the individual user designation areas 54 with a corresponding image file URL 73 via the identity marker 60.*”column 5, lines 13-23);

**Regarding claim 24,** Lopez ‘318 discloses where sending includes forwarding the scan job to a network (“*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.*” column 5, lines 13-23);

**Regarding claim 25,** Lopez ‘318 discloses where sending includes forwarding the scan job to a network. (“*The scanned image is communicated from the scanner subsystem 86 to a*

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*proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.” column 5, lines 13-23);*

**Regarding claim 26,** Lopez ‘318 discloses a network that includes at least one of the following: a remote computer, a remote computer peripheral, and a hand-held device (“*Some of the digital image files 4 may be digital photographs taken by a digital camera 12. Digital image files 4 may be transferred from the camera 12 to the computing apparatus 28 over a data link 20...*” column 4, lines 12-15);

**Regarding claim 27,** Lopez ‘318 discloses where the user elects not to accept the scan job the method further comprising the step of storing the scan job in a memory (“*...subsystems 70,74,78,80,82,82',84,86 are preferably implemented in firmware or software stored on a program storage medium such as a ROM, CD-ROM, or the like...*” column 5, lines 53-56”); receiving user instruction (“*When the image files 2 have been retrieved, the proof sheet analyzer 82 sends them to an image printing subsystem 84 along with the printing instructions marked by the user in the user-designation area 54 for each image file.*” column 5, lines 24-27); and modifying the stored scan job according to user instruction prior to the step of sending (“*The user can fill in one or more bubbles 56 in the user designation area B adjacent a particular thumbnail image I to "order" the desired number and size of final prints of that digitally stored image.*” column 6, lines 38-41);

**Regarding claim 28,** Lopez ‘318 disclose a proof sheet that includes one or more thumbnail images representing one or more respective pages of the scan job (“*...FIG. 3A is a*

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*detailed plan view of an exemplary combination proof sheet and order form 22 that may be utilized with the system 10 of FIG. 1A to select one or more images from an array of thumbnail images such as 52 (FIG. 3C) for final printing.” column 5, lines 63-67);*

**Regarding claim 29,** Lopez ‘318 discloses where sending includes forwarding the scan job to a network (“*The scanned image is communicated from the scanner subsystem 86 to a proof sheet analyzer subsystem 82... The proof sheet analyzer subsystem 82 then provides the image file URLs 73 to the internet access subsystem 70 in order to obtain the user-selected image files 2 from the network 205.*” column 5, lines 13-23);

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus T. Riley whose telephone number is 571-270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Brian Werner can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**BRIAN WERNER**  
**SUPERVISORY PATENT EXAMINER**

Marcus T. Riley  
Assistant Examiner  
Art Unit 2609